

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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EDWIN ZAYAS, Individually and on Behalf
of All Others Similarly Situated,

18 Civ. 3879 (KBF)(JDA)

Plaintiff,

ANSWER

- v. -

535 HUDSON REALTY LLC and
SLICE WEST VILLAGE LTD.,

Defendants.
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Defendant Slice West Village Ltd. ("Defendant") by and through its attorneys, The Cohen Law Firm, LLP, as and for its Answer to Plaintiff's First Amended Complaint in this action ("Complaint") alleges as follows:

1. Lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs 8, 9, 10, 14, 34, 40 and 87 of the Complaint.
2. Denies each and every allegation contained in paragraphs 1, 16, 17, 37, 39, 41, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 83, 84, 85, 86, 88, 90, 91, 92, 93, 94, 95, 96, 97 and 99 of the Complaint.
3. Denies each and every allegation contained in paragraphs 2, 4, 5, 6, 7, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 45, 67, 76, 81, 82, 89 and 98 of the Complaint and respectfully refers this Court to the statutes, laws, codes, rules, regulations, guidelines and standards referenced in such paragraphs and the applicable statutes, laws, codes, rules, regulations, guidelines and standards for the true content and meaning thereof.
4. Denies each and every allegation contained in paragraphs 3 and 15 and respectfully refers this Court to the Complaint and all other pleadings and documents filed by Plaintiff in this action for the damages and relief that Plaintiff is seeking, and Plaintiff's purpose(s) and/or reason(s) for commencing, this action.

5. Denies each and every allegation contained in paragraph 11 of the Complaint and aver that Defendant is a New York corporation authorized to do business in the State of New York.

6. Denies each and every allegation contained in paragraphs 13, 35 and 36 of the Complaint and aver that Defendant occupies part of the real property known as, and located at, 535 Hudson Street, New York, New York ("Subject Premises") pursuant to a lease of which Defendant is a party.

7. Denies each and every allegation contained in paragraph 18 of the Complaint and respectfully refers this Court to the "census" referenced in paragraph 18 of the Complaint for the true content and meaning thereof.

8. Denies each and every allegation contained in paragraph 38 of the Complaint except that Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of Plaintiff's allegation contained in paragraph 38 of the Complaint, *to wit*, "Throughout 2015 and 2016, Plaintiff entered-attempted to use Defendants' public accommodation".

9. Denies each and every allegation contained in paragraph 42 of the Complaint except that Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of Plaintiff's allegation contained in paragraph 42 of the Complaint, *to wit*, "Plaintiff has the intention to return to Defendants' public accommodation".

10. Admits the allegations contained in paragraph 12 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

11. Defendant repeats and re-alleges each and every allegation contained in paragraphs 1 through 10 of this Answer as if fully set forth herein.

12. The Complaint fails to state a cause of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

13. Defendant repeats and re-alleges each and every allegation contained in paragraphs 1 through 12 of this Answer as if fully set forth herein.

14. Plaintiff failed to give to Defendant and/or other parties the predicate notice (or predicate notices) required by applicable law to commence and maintain this action against Defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

15. Defendant repeats and re-alleges each and every allegation contained in paragraphs 1 through 14 of this Answer as if fully set forth herein.

16. The causes of action contained in the Complaint are barred by the Statute of Limitations.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

17. Defendant repeats and re-alleges each and every allegation contained in paragraphs 1 through 16 of this Answer as if fully set forth herein.

18. Given the size, shape and layout of the Subject Premises and other factors, some or all of the alterations in and to the Subject Premises requested by Plaintiff (collectively, "Alterations") are not physically possible.

19. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations are impracticable.

20. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations are structurally impracticable.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

21. Defendant repeats and re-alleges each and every allegation contained in paragraphs 1 through 20 of this Answer as if fully set forth herein.

22. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations are not readily achievable.

23. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations cannot be accomplished.

24. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations cannot be easily accomplished.

25. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations are unduly burdensome.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

26. Defendant repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 of this Answer as if fully set forth herein.

27. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations are not reasonable.

28. Given the size, shape and layout of the Subject Premises and other factors, some or all of the Alterations are not economically feasible.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

29. Defendant repeats and re-alleges each and every allegation contained in paragraphs 1 through 28 of this Answer as if fully set forth herein.

30. Some or all of the Alterations are not permitted by applicable law.

WHEREFORE, Defendant demands judgment against Plaintiff as follows:

- (a) Dismissing with prejudice the first, second, third, fourth, fifth and sixth causes of action in their entirety;
- (c) Dismissing with prejudice the Complaint in its entirety;
- (d) For the costs, expenses and attorney's fees of this action; and
- (e) For such other and further relief as this Court deems just and proper.

Dated: August 27, 2018

Respectfully submitted,

THE COHEN LAW FIRM, LLP:
Attorneys for Defendant Slice West Village Ltd.

By: 

Raymond A. Cohen, Esq.
1000 Pennsylvania Avenue
Brooklyn, New York 11207
Telephone: 1-718-360-4234
Telephone: 1-212-922-0166